

PATENT  
Appl. No. 09/894,628  
Attorney Docket No. 450100-03297

### REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this response, claims 1-4 and 6-9 will be pending. By this amendment, claims 1 and 7-9 are amended. No new matter has been added.

#### §112 Rejection of Claims 1, 7, 8 and 9

On page 2 of the Office Action, claims 1, 7, 8 and 9 stand rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. Specifically, the words “enables,” “anticipating” and “inability,” within the phrase, “wherein said warning enables anticipating an inability to utilize said contents” were objected to for describing things that may be done, but are not required to be done.

This phrase has been amended in each of the rejected claims to recite, “wherein said warning report data alerts a user that a usage limit of said content, as restricted by the content usage rights information, is near.” Accordingly, it is submitted that this language meets the definiteness requirement of 35 U.S.C. § 112.

Based on the foregoing, it is submitted that the rejection of claims 1, 7, 8 and 9 under 35 U.S.C. § 112 has been overcome and withdrawal thereof is respectfully requested.

#### §103 Rejection of Claims 1-4 and 6-9

On page 4 of the Office Action, claims 1-4 and 6-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rabin *et al.* (U.S. Patent No. 6,697,948; hereinafter referred

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to as "Rabin") in view of Saito (U.S. Patent 6,182,218).

In the Background section of the Specification, it was disclosed that "key code information contains content usage right information that sets the range (or limits) within which the contents can be utilized (content usage rights). The user may utilize the contents within the range of the content rights. The contents therefore cannot be used unless the user has acquired the usage rights." *Background of the Specification, page 1, line 23 to page 2, line 4.* "When usage of the contents is for example restricted by a count limit (number of times the contents can be used) by copyright protection technology, the user may unknowingly reach the count limit or time limit for which the contents can be used, causing the problem that the user is unable to utilize the contents when needed." *Background of the Specification, page 3, lines 14-19.*

Addressing the above-described problem, the Specification discloses that "by outputting a warning report data WID based on the content usage right information CUD and usage status information CU, the user can know that the usage restriction (or limit) on the contents CT is near. The problem of the user suddenly being unable to utilize the contents CT is therefore prevented, and the interface with the user is improved." *Specification, page 10, line 20 to page 11, line 4.* Accordingly, embodiments of the present invention provide for managing the contents based on key code information containing content usage information set within a range that the contents can be utilized to determine whether the contents are used within the range set by said content usage rights information.

For example, the steps of the contents control method in claim 1, as presented herein, include:

"comparing said content usage rights information with status code information showing the usage status of said contents;

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wherein said contents usage rights information contains a predetermined number of times for using the contents or a predetermined end date/time showing the usable end time until which said contents can be used;

*determining* whether the contents are used within the range set by said content usage rights information;

*comparing* said status code information with output setting information having a threshold value within the range of said contents usage rights information to warn by warning report data when in proximity to said contents usage rights in the case where said status code information is within the range of said contents usage rights information,

wherein said warning report data alerts a user that a usage limit of said content, as restricted by the content usage rights information, is near;

*sending* said warning report data to a report address using an electronic mail when said status code information nears the threshold value of said output setting information;

*disabling* use of the contents when said status code information exceeds the threshold value of said output setting information; and

*deleting* the contents after a period of elapsed time for deletion has elapsed."

(emphasis added)

In summary, the contents control method of claim 1 comprises: comparing content usage rights information with status code information; wherein said content usage rights information contains a predetermined number of times for using the contents or a predetermined end date/time showing the usable end time until which said contents can be used. See Specification, page 14, lines 9-22 (emphasis added). The method further comprises: determining whether the contents are used within the range; comparing the status code information with output setting information having a threshold value within the range of said contents usage rights information to warn by warning report data when in proximity to said contents usage rights in the case where

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said status code information is within the range of said contents usage rights information, wherein warning report data alerts a user that a usage limit of said content, as restricted by the content usage rights information, is near; to a report address using an electronic mail when the status code information nears the threshold value; disabling use of the contents when the status code information exceeds the threshold value; and deleting the contents after a period of elapsed time for deletion. *See Specification, page 10, line 6 to page 11, line 15.*

By contrast, Rabin fails to teach or suggest a contents control method wherein the "said content usage rights information contains a predetermined number of times for using the contents or a predetermined end date/time showing the usable end time until which said contents can be used" and, therefore, fails to teach or suggest all of the limitations of claim 1. Further, Saito was cited merely for teaching that "it is known in the art to provide sending said warning report data to a report address using an electronic mail." It is therefore submitted that Rabin and Saito, individually or in combination, fail to teach or suggest all the limitations of claim 1.

Based on the foregoing discussion, claim 1 should be allowable over Rabin and Saito. Since claims 7-9, as amended herein, closely parallel, and recite substantially similar limitations as recited in claim 1, claims 7-9 should also be allowable over Rabin and Saito. Further, since claims 2-4 and 6 depend from claim 1, claims 2-4 and 6 should also be allowable over Rabin and Saito.

Accordingly, it is submitted that the rejection of claims 1-4 and 6-9 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

#### Conclusion

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In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-4 and 6-9 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, those changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

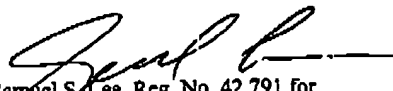
In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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